

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

VALENA ALICIA ACOSTA-GWYNN,

Defendant.

Case No. CR-21-139-SLP

ORDER


Before the Court is Defendant Valena Acosta Gwynn's Unopposed Motion for Continuance of Jury Trial [Doc. No. 25]. Defendant seeks a continuance of this matter from the September 2021 trial docket to the October 2021 trial docket. The Government does not oppose the requested relief. The Court received Defendant's Speedy Trial Waiver and Statement of Reasons in Support of the Motion to Continue Trial Date [Doc. No. 26].

The Speedy Trial Act gives this Court the discretion to “accommodate limited delays for case-specific needs.” *Zedner v. United States*, 547 U.S. 489, 499 (2006). As set forth in the Motion, a delay is warranted in this case to allow Defendant time to further negotiate with the Government and potentially finalize a plea agreement. The Court finds the denial of the Motion under the facts of this case and as more fully set forth in the Motion would unreasonably deny Defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence by counsel. This Court specifically finds that the ends of justice served by taking this action outweigh the best interests of the public

and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A); *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009). In making this determination, the Court has specifically considered the length of the delay, the reason for the delay, the defendant's assertion of rights, any prejudice to the defendant and other relevant circumstances. *See Toombs*, 574 F.3d at 1274. The period of delay caused by the granting of the motion to continue on this ground is excludable for purposes of the Speedy Trial Act and the Sixth Amendment's speedy trial guarantee. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, Defendant's Motion is granted and this matter is reset on the October 2021 trial docket.

IT IS THEREFORE ORDERED that Defendant Valena Acosta Gwynn's Unopposed Motion for Continuance of Jury Trial [Doc. No. 25] is GRANTED. This matter is STRICKEN from the September 14, 2021 trial docket to be reset on the October 12, 2021 trial docket.

IT IS SO ORDERED this 10th day of September, 2021.


SCOTT L. PALK
UNITED STATES DISTRICT JUDGE